

HON. LAUREN KING

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

TWIN HARBORS WATERKEEPER,

Plaintiff,

v.

BWC TERMINALS LLC,

Defendant.

CASE No. 3:22-cv-5233-LK

JOINT MOTION FOR ENTRY OF
CONSENT DECREE

NOTE ON MOTION CALENDAR:
April 14, 2023

MOTION

Plaintiff Twin Harbors Waterkeeper (“Twin Harbors”) and Defendant BWC Terminals LLC, (“BWC”) hereby jointly move the Court for an order approving the entry of the Consent Decree filed herewith.

STATEMENT IN SUPPORT

Twin Harbors and BWC (collectively, “the parties”) have agreed that settlement of this matter as between these parties is in the public interest and that entry of the Consent Decree is the most appropriate means of resolving this matter. By stipulating to the entry of the proposed Consent Decree, BWC does not admit the facts alleged against it and does not admit liability.

Pursuant to 33 U.S.C. § 1365(c)(3) and 40 C.F.R. §§ 135.4 and 135.5, copies of the Complaint and the Consent Decree will be served on the U.S. Attorney General, the Administrator of the U.S. EPA and the Regional Administrator of Region 10 of the U.S. EPA.

1 The Consent Decree may not be entered prior to 45 days following receipt by both the
2 Administrator and the Attorney General. The noting date for the Court's consideration of this
3 matter has been scheduled accordingly.

4 The parties respectfully request this Court enter the Consent Decree.

5 RESPECTFULLY SUBMITTED, this 21st day of February, 2023.

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9 *BWC Terminals LLC*

Twin Harbors Waterkeeper